

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

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JOSEPH MORENO,

Plaintiff,

v.

CORTEZ-MASTO; et al.,

Defendants.

3:11-cv-0179-LRH-WGC

ORDER

Before the court is pro se inmate plaintiff Joseph Moreno's ("Moreno") objections to the Magistrate Judge's order (Doc. #83¹) denying his motions for retaliation and reconsideration (Doc. ##55, 81). Doc. #89.

On May 1, 2012, Moreno filed his motion for retaliation against defendants alleging that defendants retaliated against him by taking discovery documents out of his cell. Doc. #55. On June 11, 2012, the Magistrate Judge heard argument on the motion and denied it finding that defendants had not retaliated against him. *See* Doc. #78. In response, Moreno filed a motion for reconsideration of that order (Doc. #81) which was denied by the Magistrate Judge (Doc. #83). Thereafter, Moreno filed the present objections to the Magistrate Judge's order (Doc. #83). Doc. #89.

¹ Refers to the court's docket entry number.

1 Local Rule IB 3-1 authorizes a district judge to reconsider any pretrial matter referred to a
2 Magistrate Judge pursuant to LR IB 1-3 where it has been shown that the Magistrate Judge's order
3 is clearly erroneous or contrary to law. Here, the court has reviewed the documents and pleadings
4 on file in this matter and finds that the Magistrate Judge's order is not clearly erroneous or contrary
5 to law.

6 Initially, the court notes that although the order itself is brief, the Magistrate Judge heard
7 argument on the underlying motion for retaliation on June 11, 2012. Thus, the court finds that
8 Moreno's motion received adequate attention and review from the Magistrate Judge and that his
9 objection to the initial order's brevity is therefore, without merit.

10 Additionally, the court finds that Moreno has failed to show that the Magistrate Judge's
11 order is either contrary to law or clearly erroneous. Moreno simply re-alleges the arguments
12 outlined in his briefing. He fails to introduce any evidence or point out any legal or factual error in
13 the Magistrate Judge's order that shows that the Magistrate Judge's order was incorrect or did not
14 consider all of the facts at the time it was made. Accordingly, the court shall affirm the Magistrate
15 Judge's order.

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17 IT IS THEREFORE ORDERED that plaintiff's objection to the Magistrate Judge's order
18 (Doc. #89) is DENIED. The Magistrate Judge's order (Doc. #83) is AFFIRMED.

19 IT IS SO ORDERED.

20 DATED this 24th day of January, 2013.



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23 LARRY R. HICKS
UNITED STATES DISTRICT JUDGE
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